

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill H.R. 1439, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 79) to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe, as amended.

The Clerk read as follows:

H.R. 79

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hoopa Valley Reservation South Boundary Adjustment Act".

#### SEC. 2. TRANSFER OF LANDS WITHIN SIX RIVERS NATIONAL FOREST FOR HOOPA VALLEY TRIBE.

(a) TRANSFER.—All right, title, and interest in and to the lands described in subsection (b) shall hereafter be administered by the Secretary of the Interior and be held in trust by the United States for the Hoopa Valley Tribe. The lands are hereby declared part of the Hoopa Valley Reservation. Upon the inclusion of such lands in the Hoopa Valley Reservation, Forest Service system roads numbered 8N03 and 7N51 and the Trinity River access road which is a spur off road numbered 7N51, shall be Indian reservation roads, as defined in section 101(a) of title 23 of the United States Code.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Ranges 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as "Post H.V.R. No. 8" on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augustus T. Smith, and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on such survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest in the State of California is hereby adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

(d) SURVEY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of the lands described in subsection (b).

(e) SETTLEMENT OF CLAIMS.—The transfer of lands to trust status under this section extinguishes the following claims by the Hoopa Valley Tribe:

(1) All claims on land now administered as part of the Six Rivers National Forest based on the allegation of error in establishing the boundaries of the Hoopa Valley Reservation, as those boundaries were configured before the date of the enactment of this Act.

(2) All claims of failure to pay just compensation for a taking under the fifth amendment to the United States Constitution, if such claims are based on activities, occurring before the date of the enactment of this Act, related to the lands transferred to trust status under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, H.R. 79, introduced by the gentleman from California [Mr. RIGGS] would transfer 2,641 acres of land to the Hoopa Valley Tribe of California. This land is currently part of the Six Rivers National Forest.

The south boundary of the Hoopa Valley Reservation contains a dogleg and as a result of the 1875 survey that left 2,541 acres out of the 6-mile square, H.R. 79 would straighten the boundary to reflect what many believe was the originally intended boundary of the reservation. Similar legislation was introduced in the 104th Congress, reported by the Committee on Resources and passed on the House floor, but the adjournment prevented final action on the bill in the Senate.

On May 8, 1997, the Subcommittee on Forests and Forest Health approved this amendment in the nature of a substitute to incorporate several technical changes recommended by the administration, and on May 21 the Committee on Resources reported the bill with an amendment to ensure that several Forest Service roads on the lands being transferred will remain open to the public after the transfer. The roads provide access to the public campground, the Trinity River and the national forest land.

Mr. Speaker, I thank all involved on both sides of the aisle for working with me, the gentleman from California [Mr. RIGGS], and the Hoopa Valley Tribe to develop language that everyone can agree on on H.R. 79. Additionally I would like to thank my colleagues, especially the gentleman from New York [Mr. HINCHEY], the subcommittee ranking member, the gentleman from California [Mr. DOOLITTLE], and the gentleman from Colorado [Mr. MCINNIS] for their assistance with passage of these four bills.

So I urge this bill's passage, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, as mentioned earlier by the chairman of the subcommittee, the gentlewoman from Idaho [Mrs. CHENOWETH], this legislation was introduced by the gentleman from California [Mr. RIGGS] and a similar piece of legislation was also introduced by Senator BOXER of California.

Mr. Speaker, H.R. 79 would transfer almost 2,640 acres of land currently within the Six Rivers National Forest in California to the Hoopa Valley Tribe to be held in trust for the tribe. This language includes an operating campground that is adjacent to the southern boundary of the reservation. There is question as to whether or not this land was intended to be part of the original reservation boundaries, but by looking at a map of the area one can conclude that may have been the case.

□ 1530

Regardless, the Forest Service has testified that it supports this transfer and believes that the tribe has the resources and expertise to effectively manage the area.

In fact, the Hoopa Valley Tribe is well-known as environmentally sensitive toward the stewards of their land. The tribe operates under a forest management plan which was adopted for the years 1994 through the year 2003. This management plan was developed with the collaboration of the World Wildlife Fund. In March of this year, the U.S. Fish and Wildlife Service issued a biological opinion finding that the Hoopa forest management plan would not jeopardize the northern spotted owl or any of the other listed endangered species.

Attached to my statement, Mr. Speaker, I include two letters from the tribe's representative. The first is to the office of the Secretary of the Interior, and the second is to Mr. James Lyons, the Under Secretary for Natural Resources and Environment at the Department of Agriculture. These letters explain the tribe's forest management plan and how we can expect the transfer of lands to be managed.

H.R. 79 makes clear that the roads within this area will be made part of the Indian reservation roads system within the Bureau of Indian Affairs assuring public access through the area and to the Trinity River.

I would like to thank the gentlewoman from Idaho [Mrs. CHENOWETH] and her staff for working with Democrats on this side of the aisle and for bringing to the floor this legislation for consideration. I hope that this will benefit the Hoopa Valley Tribe in the future, and I ask my colleagues to join me in supporting this legislation.

Mr. Speaker, I include the following letters for the RECORD:

HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C., ATTOR-  
NEYS AT LAW,

Washington, DC, April 15, 1997.

Re H.R. 79 Hoopa Reservation boundary ad-  
justment.

HEATHER SIBBISON, Esq.,  
Office of the Secretary, U.S. Department of the  
Interior, Washington, DC.

DEAR HEATHER: Attached is a letter to Ag-  
riculture Department Under Secretary  
James Lyons regarding the Hoopa Valley  
Reservation boundary adjustment legisla-  
tion. It is in response to a draft proposal  
(also attached) from the Forest Service to  
amend H.R. 79. As the letter explains, the  
Hoopa Valley Tribe strongly disagrees with  
the proposed amendments. Also attached is  
Resource Committee Chairman Don Young's  
March 11 letter to T.J. Glauthier at OMB of-  
fering to move expeditiously on the bill. This  
followed Chairman Young's February 10 let-  
ter to Secretary Babbitt with the Commit-  
tee's routine request for a bill report. In ad-  
dition to those letters is T.J. Glauthier's Oc-  
tober 2, 1996, letter to the Senate Committee  
on Indian Affairs clearing the bill for passage  
in the 104th Congress.

Please consider the following as you evalu-  
ate H.R. 79: The bill would transfer 2641 acres  
from the Forest Service in trust to the  
Tribe; Prior Forest Service sales harvested  
915 acres of that total; and Under the Tribe's  
Forest Management Plan (FMP) (which has  
received a non-jeopardy biological opinion  
from the Fish and Wildlife Service as to any  
listed species, including the northern spotted  
owl).

Approximately 620 acres will be protected  
by the FMP's stream side protection zones  
(Class 1: 400 feet; Class 2: 200 feet; Class 3,  
100); 330 acres will be subject to the FMP's  
wild and scenic river designation; 310 acres  
will be in the Trinity view shed; and 102  
acres will be in northern spotted owl activity  
zones.

The portion of the 2641 acres designated as  
Late Successional reserve in the President's  
Forest Plan totals 1264 acres. By restoring  
the land to the Hoopa Valley Reservation  
and placing it under the Hoopa FMP, 1362  
acres will be protected; that is, more than  
would be protected by the Late Successional  
Reserve designation in the President's For-  
est Plan. If you have any questions about  
this, please give me a call.

Sincerely,

JOSEPH R. MEMBRINO.

HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C., ATTOR-  
NEYS AT LAW,

Washington, DC, April 4, 1997.

Re H.R. 79—Hoopa Valley Reservation south  
boundary adjustment.

Hon. JAMES R. LYONS,  
Under Secretary for Natural Resources and En-  
vironment, Department of Agriculture,  
Washington, DC.

DEAR UNDER SECRETARY LYONS: Following  
my conversation with you and Director of  
Lands Eleanor Towns on March 11, Director  
Towns forwarded to me a draft regarding five  
points she asked be considered in the review  
of H.R. 79. After consultation with the Hoopa  
Valley Tribal Council, I have been author-  
ized to report the Tribe's response.

#### 1. RESERVATION STATUS

The Tribe agrees with you and Director  
Towns that the land subject to H.R. 79 is to  
be made part of the Hoopa Valley Reserva-  
tion and held in trust by the United States.  
It has always been the Tribe's position that  
the land be part of the reservation.

Director Towns stated that the reason for  
the proposed change in the text of the bill—  
by which she would add the phrase "acting

through the Secretary of the Interior"—is to  
ensure that the Forest Service would have  
no trust responsibility for the land following  
its transfer to the reservation. That intent is  
contrary to federal law and administration  
policy.

The United States, not individual federal  
agencies, is the trustee of Indian reservation  
land. Thus, while direct administration of  
the federal trust responsibility for the Hoopa  
Valley Reservation may reside with the Sec-  
retary of the Interior, the Forest Service  
nevertheless is subject to the federal trust  
responsibility and is obligated to conduct its  
affairs accordingly. As you know, President  
Clinton emphasized his Administration's  
commitment to the federal trust relation-  
ship in his Memorandum on Government-to-  
Government Relations With Native Amer-  
ican Tribal Governments (April 29, 1994, 59  
Fed. Reg. 22951). Among other things the  
President directed that "Each executive de-  
partment and agency shall assess the impact  
of Federal government plans, projects, pro-  
grams, and activities on tribal government  
rights and concerns are considered during  
the development of such plans, projects, pro-  
grams, and activities." We do not believe  
that the proposed departure from H.R. 79's  
use of the standard legislative phrase for  
holding land in trust can be reconciled with  
the President's directive and request that it  
be withdrawn.

#### 2. BOUNDARY ADJUSTMENT

On page 4 of Director Towns statement on  
H.R. 2710, the bill introduced in the 104th  
Congress on this matter, she states that "the  
National Forest boundary would need to be  
statutorily adjusted to exclude the lands  
transferred . . . ." Statement of Eleanor  
Towns before the Committee on Resources  
Subcommittee on Native American and Insu-  
lar Affairs (July 17, 1997). The Committee re-  
sponded by amending the bill to include the  
statement: "The boundary of the Six Rivers  
National Forest shall be adjusted to exclude  
the lands to be held in trust for the benefit  
of the Hoopa Valley Tribe pursuant to this  
section." House Report No. 762, 104th Cong.,  
2d Sess. 2 (September 4, 1996). The draft com-  
ments from the Forest Service forwarded to  
us now refer to alleviating the need "for an  
administrative boundary adjustment" by  
further amending H.R. 79 to read that the  
boundary "is hereby adjusted" instead of  
"shall be adjusted." This proposal additional  
amendment appears to us unnecessary; a dis-  
tinction without a difference. In any event,  
the Forest Service gives no indication that  
an administrative adjustment based on the  
mandate in H.R. 79 would be burdensome,  
complex or anything other than a routine,  
ministerial action. It makes no sense to bur-  
den the legislative process with a cosmetic  
amendment.

#### 3. RESERVATION OF EASEMENTS

The proposal to reserve easements in the  
land for Forest Service roads 8N03 and 7N51  
is not acceptable. First, the land on which  
the roads are located was always understood  
to be the Tribe's. Director Towns and you  
both stated that your objective is to have  
this land have the same status as the rest of  
the Hoopa Valley Reservation. The purpose  
of H.R. 79 is to eliminate a physical dogleg  
in the reservation boundary. It does not ad-  
vance the ball to substitute a jurisdictional  
dogleg for a physical one. Second, Director  
Towns states that the Tribe's history of pro-  
viding access across its roads to the non-In-  
dian community whose land would otherwise  
be inaccessible for timber harvest, recre-  
ation, cattle grazing and other uses cannot  
be considered precedent for how the Tribe  
will manage the land to be transferred by  
H.R. 79. That charge is unsupported and

unsupportable. The Tribe is baffled, to say  
the least, by the idea that it would spite  
landowners in the Six Rivers community by  
shutting down access to adjacent lands once  
it obtains jurisdiction over the two roads.  
We do not know the source of this specula-  
tion and have had a very different impres-  
sion from the local Forest Service personnel.  
On April 3, the Hoopa Valley Tribe hosted a  
meeting of the interagency advisory com-  
mittee for the President's Northwest Forest  
Plan. At that meeting, Six Rivers Forest Su-  
pervisor Martha Kettelle said that she sup-  
ports the transfer proposed in H.R. 79 and  
will work with the Tribe upon enactment to  
build the Service's government-to-govern-  
ment relationship with the Tribe on coopera-  
tive access to the roads affected by the  
transfer. At the end of the day, the proposal  
to reserve easements, and the speculation  
underlying it, cannot be reconciled with  
President Clinton's memorandum on govern-  
ment-to-government relationships referred  
to above in which he instructed government  
agencies undertaking activities affecting  
tribal rights or trust resources to implement  
them in a "knowledgeable, sensitive manner  
respectful of tribal sovereignty."

#### 4. MANAGEMENT CONSISTENT WITH THE PRESIDENT'S NORTHWEST FOREST PLAN

The Hoopa Valley Tribe has adopted a For-  
est Management Plan for the period 1994-2003  
(Tribal Resolution 94-19, April 20, 1994)  
(Hoopa FMP). The Hoopa FMP's develop-  
ment was in part guided by the principles  
that emerged from the Tribe's collaboration  
with the World Wildlife Fund in development  
of an integrated resources management ap-  
proach to reservation resources. The Hoopa  
FMP accounts for endangered and threat-  
ened species listed pursuant to the Endan-  
gered Species Act. The Tribe identified 5  
plant and animal species listed under the act  
that are present, or suspected to occur, on  
the Hoopa Valley Reservation including the  
Northern Spotted Owl. The Hoopa FMP's  
minimum management requirement for list-  
ed species includes abiding by 50 C.F.R. Part  
17 which sets forth the requirements estab-  
lished by the United States Fish and Wildlife  
Service for "surveying, submission of bi-  
ological assessments on all proposed actions,  
receiving biological opinions on all proposed  
actions, and abiding by recovery plans if in  
effect." Hoopa FMP at 26. With specific re-  
gard to the spotted owl, the Hoopa FMP pro-  
vides:

Meet surveying requirements of the  
USFWS accepted protocol (March 7, 1991 re-  
vised March 17, 1992 and any subsequent re-  
visions). Complete biological assessments in-  
cluding mitigations which address the  
USFWS past conservation recommendations  
and any seasonal restrictions necessary then  
submit to USFWS. If conservation recom-  
mendations are not included in a project's  
planning documents then justify their exclu-  
sion in the biological assessment. General  
timber sale planning will include no harvest  
of 70 acre owl activity centers unless a Hab-  
itat Conservation Plan or other mechanism  
has been completed and accepted by the  
USFWS which allows such harvest. Allow no  
disruptive harvest related activities, such as  
but not limited to, any harvest activity,  
road building, tractor piling, burning, thin  
and release, etc. within 0.25 mile of known  
activity centers during the breeding season  
(Feb. 1 to Aug. 1 each year) or until the pair  
has been determined to be not nesting, or the  
nesting attempt has failed. Receive biologi-  
cal opinion from USFWS and assure that all  
guidelines, mitigations and conservation re-  
commendations from the biological assess-  
ment (BA) and biological opinion (BO) are  
adhered to during the implementation of the  
project—Hoopa FMP at 26-27.

On January 10, 1997, the Hoopa Valley Tribe and the Bureau of Indian Affairs requested the Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act to engage in a formal consultation to develop a biological opinion on the Hoopa FMP and its effects on the five species referred to above, including the Northern Spotted Owl. By letter of March 12, 1997, the Service transmitted its biological opinion that the implementation of the Hoopa FMP will not jeopardize the Northern Spotted Owl or any of the other listed species (Biological Opinion No. 1-14-97-F-3). This opinion is consistent with the Tribe's policy of using extraordinary care in the Hoopa FMP to protect the reservation plant and wildlife resources. Of course, the land to be transferred by H.R. 79 will be integrated into the Hoopa FMP.

President Clinton's memorandum on government-to-government relations states that he is "strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments." In this case the Hoopa Valley Tribe has embraced that relationship and worked carefully, professionally, and in the spirit of the federal wildlife conservation effort for the Northern Spotted Owl and all species on the Hoopa Valley Reservation. In view of the Fish and Wildlife Service's conclusion and the President's memorandum on government-to-government relations, the proposal to amend the bill is both unnecessary and inappropriate.

Finally on this point, we note a practical political consideration. H.R. 79 has been assigned to the Subcommittee on Forests and Forest Health which is chaired by Rep. Helen Chenoweth. Her antipathy toward the President's Northwest Forest Plan is well-known. We are afraid that the proposal to amend H.R. 79 to require the Tribe to manage the land pursuant to the President's plan will be seen by opponents of the Administration as an attempt to use legislation for the benefit of the Tribe as a subterfuge to have Congress affirm the President's plan. If the subcommittee makes the President's plan an issue in H.R. 79, we believe that politics could overwhelm the merits of H.R. 79 and defeat the bill.

##### 5. SETTLEMENT OF CLAIMS

This provision for claims waiver is unnecessary and, in any event, over broad. H.R. 79 is not the settlement of a legal claim. This is a policy matter regarding fair and honorable dealings between the United States and the Hoopa Valley Tribe. In addition, the disclaimer refers to events occurring prior to enactment of H.R. 79 unrelated to the south boundary. The Tribe wonders why this clause is in the bill; it would appear to be an attempt to eliminate responsibility for any latent damage to the land such as might have occurred from deposition of toxic chemicals or other activities under the direction of the Forest Service. We know of no such event having occurred and would like to assume that the Forest Service has none in mind either. Also, the final proviso regarding a bar to any compensation for restrictions is unacceptable. It would strip the Tribe of Fifth Amendment protection against loss of property rights caused by Congress' future imposition of land use restrictions that otherwise would be compensable. Seeking this kind of a provision in the bill runs counter to the spirit and substance of the President's memorandum on government-to-government relations with the Tribe and would put the Tribe at a disadvantage with respect to all other property owners.

##### CONCLUSION

I hope you will be persuaded that the Forest Service's recommendations to amend

H.R. 79 are not appropriate. I would also encourage you to coordinate with the Department of the Interior on those issues related to the Indian affairs and fish and wildlife programs raised in the draft. The draft proposals are not mere details but go to the heart of the relationship between the Tribe and the United States and the purpose of H.R. 79. Resources Committee Chairman Don Young wrote to Associate OMB Director T.J. Glauthier on March 11 in an extraordinary gesture to move forward expeditiously on H.R. 79. With this favorable reception in the Congress, there is every reason to advance the bill without further delay. Your attention to this is appreciated.

Sincerely,

JOSEPH R. MEMBRINO.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman from Idaho [Mrs. CHENOWETH], my very good friend and the distinguished chair of the Subcommittee on Forests and Forest Health, for yielding me this time. I also want to thank the gentleman from Alaska [Mr. YOUNG], chairman of the full Committee on Resources, and of course our Democratic colleagues who both last year and this year worked on a cooperative, bipartisan basis to help advance this legislation.

Mr. Speaker and colleagues, the bill before us now on the floor under suspension of the rules, I introduced on January 7 of this year, the first day of the 105th Congress. It is for me a very high personal legislative priority, because it would convey to the Hoopa Valley tribe in Humboldt County, CA, land to restore the tribe's reservation to its original intended, agreed-upon boundary. This boundary is intended to be a perfect square.

This legislation is virtually identical to House Resolution 2710, which I sponsored in the last Congress. That bill passed the House by a voice vote on September 11, 1996. It was then cleared on a bipartisan basis for unanimous consent approval by the Senate, and a representative of the Clinton administration wrote that the President would sign the bill. However, to my great regret, the Senate adjourned for the year and for the Congress before the legislation could be acted upon. Again, that is why I have made this legislation a high priority for action this year and why I greatly appreciate the help and support of my colleagues in moving this legislation.

As my colleagues have heard, the bill would transfer to become a permanent part of the Hoopa Valley Reservation, part of the tribe's tribal lands, approximately 2,641 acres of land that is now held by the U.S. Forest Service. For as long as 10,000 years, the Hoopa Valley Tribe has lived in the Hoopa Valley, beginning their settlement at the mouth of the Trinity River Canyon. As early as 1851, a proposed treaty would have established a reservation actually encompassing an area larger than the present reservation.

Although Congress conveyed 93,000 acres of land to the tribe in the 1800's, the boundary survey excluded over 2,600 acres that belonged to the tribe at that time. In restoring that land, the 2,600 acres at the southeast corner of what otherwise would be a 12-mile square, the bill would eliminate a dogleg in the south boundary in the present reservation correcting this action.

This irregular dogleg in the boundary was apparently done to accommodate some non-Indian miners in the area who were pursuing State claims, and although those claims soon played out and the miners left the area, this boundary was never changed and this inequity was never corrected.

The land is administered, as I mentioned, by the Forest Service. It is part of the Six Rivers National Forest. The original timber on the parcel was sold off by the end of the 1970's to the benefit of the Federal Treasury and Federal taxpayers. The area to be transferred includes Tish-Tang Camp Ground, a Forest Service facility. The Hoopa Valley Tribe has stated publicly, and I believe that this is a very firm commitment, that it will continue to operate Tish-Tang as a public campground. This will be particularly important if budget reductions necessitate reductions in the Forest Service campground operations and maintenance.

Furthermore, the tribe has assured that public access to the gravel bar at Tish-Tang in the Trinity River will continue. This is very important to local citizens, my constituents in the community of Willow Creek, which neighbors or borders the reservation. It is also important to the people who regularly use the river for recreational and business purposes.

Some minor amendments, Mr. Speaker, have been made to the bill in committee, and the administration has indicated it can approve the measure in this form, as the distinguished ranking member indicated.

Mr. Speaker, members of the tribe have long been outstanding stewards of California's north coast environment, and they have been recognized for their efforts to help restore fish and wildlife habitat in the Trinity River Basin. This transfer proposed by this bill would permit the tribe's long-standing land management and economic development policies to be extended to the restored lands, the lands to now be assumed by the tribe.

The boundary should be adjusted to reflect the original intent of Congress. This is a matter of basic fairness and return to the members of the tribe what is truly theirs, and I urge my colleagues' approval of the bill.

Mr. FALEOMAVEGA. Mr. Speaker, I yield myself such time as I may consume.

At this time I would be remiss if I do not express my sense of commendation to the ranking member of the subcommittee, the gentleman from New York [Mr. HINCHAY] certainly for his

contributions and his attentiveness to these measures, three measures previously that we passed and H.R. 79 that is now up for consideration. I certainly thank the ranking Democrat on this side of the aisle, the gentleman from California [Mr. MILLER].

It is my understanding, Mr. Speaker, that this is the first opportunity that the gentlewoman from Idaho [Mrs. CHENOWETH], the chairman of the subcommittee, has had to manage these four pieces of legislation, and I want to add my commendation to the gentlewoman for her leadership and certainly for successfully bringing these four pieces of legislation to fruition. Certainly I have a very strong feeling that it will have the support of our colleagues here on the floor of the House.

Again, I commend the gentlewoman for her fine leadership in bringing these pieces of legislation for consideration.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his fine comments and also thank him for his time and his efforts in helping our committee be successful in ushering these bills through. Without his good work, it could not have happened.

I also want to thank the gentleman from New York [Mr. HINCHEY], our ranking minority member, for his good work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 79, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1019, H.R. 1020, H.R. 1439, H.R. 79, the bills just passed, and on H.R. 1420, considered earlier.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. STEARNS] at 5 o'clock p.m.

#### NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1420, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1420, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 26, as follows:

[Roll No. 156]

YEAS—407

Abercrombie  
Ackerman  
Aderholt  
Allen  
Archer  
Armey  
Baesler  
Baker  
Baldacci  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Barrett (WI)  
Bartlett  
Bass  
Bateman  
Becerra  
Bentsen  
Bereuter  
Berman  
Berry  
Bilirakis  
Bishop  
Bilely  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Campbell  
Canady  
Cannon  
Capps  
Cardin  
Carson  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Clay  
Clement  
Clyburn

Coble  
Coburn  
Collins  
Combest  
Condit  
Conyers  
Cook  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crapo  
Cubin  
Cummings  
Cunningham  
Danner  
Davis (FL)  
Davis (IL)  
Davis (VA)  
Deal  
DeGette  
Delahunt  
DeLauro  
DeLay  
Dellums  
Deutsch  
Diaz-Balart  
Dickey  
Dingell  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Ewing  
Fattah  
Fawell  
Fazio  
Filner  
Flake  
Foglietta  
Foley  
Forbes  
Fowler  
Fox  
Frank (MA)  
Franks (NJ)  
Frelinghuysen  
Frost

Galleghy  
Ganske  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilchrist  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Granger  
Green  
Greenwood  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hansen  
Harman  
Hastert  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hefley  
Hefner  
Herger  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoekstra  
Holden  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hutchinson  
Hyde  
Inglis  
Istook  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (WI)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kanjorski

Kaptur  
Kasich  
Kelly  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
Kildee  
Kilpatrick  
Kim  
Kind (WI)  
King (NY)  
Kingston  
Klecza  
Klink  
Klug  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Levin  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
Livingston  
LoBiondo  
Lofgren  
Lowey  
Lucas  
Luther  
Maloney (CT)  
Maloney (NY)  
Manton  
Manzullo  
Markey  
Martinez  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDade  
McDermott  
McGovern  
McHale  
McHugh  
McInnis  
McIntosh  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek  
Menendez  
Metcalf  
Mica  
Millender-  
McDonald  
Miller (CA)  
Miller (FL)  
Minge  
Mink  
Moakley  
Molinaro  
Mollohan  
Moran (KS)

Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Neal  
Nethercutt  
Neumann  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Oxley  
Packard  
Pallone  
Pappas  
Parker  
Pascrell  
Pastor  
Paxon  
Pease  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickett  
Pitts  
Pombo  
Pomeroy  
Porter  
Portman  
Poshard  
Price (NC)  
Pryce (OH)  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Redmond  
Regula  
Reyes  
Riggs  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogan  
Rogers  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryun  
Sabo  
Salmon  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Scarborough  
Schaefer, Dan  
Schaffer, Bob  
Schumer  
Scott  
Sensenbrenner  
Serrano

Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Sisisky  
Skaggs  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Smith, Adam  
Snowbarger  
Snyder  
Solomon  
Souder  
Spence  
Spratt  
Stabenow  
Stark  
Stearns  
Stenholm  
Stokes  
Strickland  
Stupak  
Sununu  
Talent  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tierney  
Torres  
Towns  
Traficant  
Turner  
Upton  
Velazquez  
Vento  
Visclosky  
Walsh  
Wamp  
Waters  
Watkins  
Watt (NC)  
Watts (OK)  
Waxman  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Weygand  
White  
Whitfield  
Wicker  
Wise  
Wolf  
Woolsey  
Wynn  
Yates  
Young (AK)  
Young (FL)

NAYS—1

Paul

NOT VOTING—26

Andrews  
Bachus  
Barton  
Bilbray  
Blagojevich  
Clayton  
DeFazio  
Dicks  
Dixon

Doggett  
Ensign  
Farr  
Ford  
Furse  
Hilleary  
Hunter  
Lantos  
Lewis (CA)

Payne  
Pickering  
Rohrabacher  
Sanford  
Schiff  
Smith, Linda  
Stump  
Thompson

□ 1735

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.